

## REMARKS

Claims remaining in the present patent application are Claims 1 – 42. Claims 1, 22, 31 and 42 are amended herein. Applicants respectfully seek reconsideration of the present application in view of the amendments presented herein and the remarks that follow.

Applicants thank the Examiner for the extensive “reply to arguments” section.

### 35 USC § 102 Rejections

Claims 1-2, 4-9, 11, 13-14, 16-18, 20-23, 25-27, 29-32, 34-39 and 41-42 stand rejected under 35 USC § 102(b) as allegedly anticipated by Spencer et al. (US 5,603,021, “Spencer”). Applicants have reviewed the cited reference and respectfully assert that Spencer does not anticipate nor render obvious embodiments of the present invention as recited in Claims 1-2, 4-9, 11, 13-14, 16-18, 20-23, 25-27, 29-32, 34-39 and 41-42.

Applicants respectfully assert that Spencer does not teach or fairly suggest, “a first window for displaying selectable information in a hierarchical list format comprising recipe names” as recited by Independent Claim 1.

Applicants understand Spencer to teach “methods for assisting a user with composing spreadsheet formulas” (Abstract). As used in the present application, the term “recipe” is utilized as an industry standard term of art:

The Instrument Society of America (ISA) has standardized the term “recipe” to refer to these items. Standard ISA-S88 defines recipe as: “an entity that contains the minimum set of information that uniquely defines the manufacturing requirements for a specific product.” (page 8 lines 22-24)

Applicants respectfully assert that the rejection improperly equates Spencer’s “spreadsheet formulas” with the recited “recipe.” Applicants respectfully assert that Spencer’s “spreadsheet formulas” have nothing to do with “manufacturing requirements for a specific product.” Rather, Spencer’s “spreadsheet formulas” are directed to mathematical expressions in the context of a calculating program. Consequently, Applicants respectfully assert that the rejection’s interpretation of the recited “recipe” is overbroad and improper.

For this reason, Applicants respectfully assert that Independent Claim 1 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Moreover, even if one did not consider the above referenced Instrument Society of America definition, Applicants respectfully assert that one of ordinary skill in the art would nevertheless understand a fundamental difference between a “spreadsheet formula” as taught and a “recipe” as claimed. For example, a recipe, or method of manufacture, is patentable subject matter, while a spreadsheet formula typically is not patentable by itself.

For these additional reasons, Applicants respectfully assert that Independent Claim 1 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

In section 6 (“response to arguments”), the rejection argues that the taught spreadsheet formula teaches the recited “recipe.” Applicants respectfully traverse. The rejection cites page 8 lines 25-27 of the present application as giving an example of formulas included in recipes. Applicants respectfully assert that a teaching of inclusion in a set does not teach the set. For example, if a computer system includes a power supply, a teaching of a power supply does not teach or suggest a computer system. Similarly, Applicants respectfully assert that a teaching of a recipe as potentially including a formula does not teach the recited “recipe.”

In addition, the rejection cites two definitions of the term “formula.” Applicants respectfully assert that, while claims under prosecution are subject to a reasonable broad interpretation, matter from an existing patent, e.g., Spencer, is interpreted within the context of the art’s teachings to determine its interpretation to one of ordinary skill in the art. Applicants respectfully assert that Spencer is clearly directed to electronic spreadsheet formulas (Title, Abstract, *inter alia*). Consequently, it is improper to distant the meaning of the taught term beyond its plain meaning within the context of the cited art.

Applicants respectfully assert that, as taught by Spencer, the only appropriate definition per the Google reference is “a group of symbols that make a mathematical statement.” Similarly, Applicants respectfully assert that, as

taught by Spencer, the only appropriate definitions per the Webster reference are “a general fact, rule, or principle expressed in usually mathematical symbols” and/or “a combination of signs in a logical calculus.”

Thus, Applicants respectfully reiterate that the taught “spreadsheet formula” does not teach or fairly suggest the recited “recipe.”

For these yet additional reasons, Applicants respectfully assert that Independent Claim 1 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Further with respect to Claim 1, Applicants respectfully assert that Spencer does not teach or fairly suggest the claim limitations of a “third window comprising a plurality of display portions for editing routing... contents of said selected recipe” as recited by Independent Claim 1. Applicants note that the rejection does not cite a portion of Spencer that allegedly teaches the recited routing contents of a recipe. Applicants respectfully assert that Spencer does not contain the terms “route” or “routing” or similar language.

Also in section 6 (“response to arguments”), the rejection argues that “editing content such as X and Y values of functions/expressions” as taught by Spencer 424 teaches the recited “editing routing.” Applicants respectfully assert that the taught “editing content... of functions” does not teach or fairly suggest the instant limitation. The citation has equated “routing information” as “operations to be performed.” Applicants respectfully assert that the taught “editing content... of functions” does not edit any “operations to be performed.”

Using the example of Spencer Figure 4B, editing the X and/or Y values does not change the operation of the modulus function.

For this yet additional reason, Applicants respectfully assert that Independent Claim 1 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 2-21 depend from Independent Claim 1. Applicants respectfully assert that these claims overcome the rejections of record as they depend from an allowable base claim, and respectfully solicit allowance of these claims.

With respect to Claim 2, Applicants respectfully assert that Spencer does not teach or fairly suggest the limitation “wherein said hierarchical list format is a tree structure comprising: project names; organization names; said recipe names; formula names; and routing names” as recited by Independent Claim 2. As the rejection improperly equates Spencer’s “formula” name with the recited “recipe name,” Applicants understand the rejection to improperly equate Spencer’s “formula” with both the recited “recipe name” and the recited “formula names.” Applicants respectfully assert that the single term from this single cited reference cannot teach two differentiated terms as claimed in the present application. Furthermore, Applicants respectfully assert that Spencer does not teach or fairly suggest the recited “project names,” “organization names” or “routing names.” Spencer is silent as to all of these items.

In section 7 (“response to arguments”), the rejection argues that the title of a window, e.g., “Formula Expert” teaches the recited “organization name.”

Applicants respectfully assert that one of ordinary skill in the art would not understand such a window title to teach or fairly suggest the recited “organization name.” Assuming, *arguendo*, that such a window title purportedly suggests the recited “organization name,” Applicants respectfully assert that one of ordinary skill in the art would not understand a window title to teach or suggest a “hierarchical list format” as recited by Claim 2.

For these additional reasons, Applicants respectfully assert that Claim 2 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

With respect to Claim 22, Applicants respectfully assert that this claim overcomes the rejections of record for the same rationale presented previously with respect to Claim 1. For this reason, Applicants respectfully assert that Claim 22 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Further with respect to Claim 22, Applicants respectfully assert that Spencer does not teach or fairly suggest “a header window comprising: a name of said selected recipe; an associated routing name; and an associated formula name” as recited by Independent Claim 2. Applicants respectfully assert that Spencer does not teach a recipe name and an associated formula name. Given the rejection’s improper equating of the recited “recipe” with Spencer’s “spreadsheet formula,” even the rejection is silent as to an element of Spencer alleged to teach “an associated formula name.” In addition, Spencer is silent as to

“an associated routing name.” As noted previously, Spencer is completely silent as to “routing.”

In section 8 (“response to arguments”), the rejection argues that a number of elements displayed in Spencer screenshots are equivalent to the recited “a name of said selected recipe; an associated routing name; and an associated formula name” as recited by Independent Claim 2. Assuming, *arguendo*, that the proposed equivalents are proper, Applicants respectfully assert that Spencer does not teach or fairly suggest the recited “header window” comprising such elements. Rather, Spencer teaches such elements displayed in a variety of locations, none of which is taught or fairly suggested to be the recited “header window.” Further, the rejection itself has cited the same elements as belonging to separate windows, e.g., the recited first, second and third windows of Claim 1.

For these additional reasons, Applicants respectfully assert that Claim 22 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 23-30 depend from Independent Claim 22. Applicants respectfully assert that these claims overcome the rejections of record as they depend from an allowable base claim, and respectfully solicit allowance of these claims.

With respect to Claim 31, Applicants respectfully assert that this claim overcomes the rejections of record for the same rationale presented previously with respect to Claim 1. For this reason, Applicants respectfully assert that

Claim 31 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 32-41 depend from Independent Claim 31. Applicants respectfully assert that these claims overcome the rejections of record as they depend from an allowable base claim, and respectfully solicit allowance of these claims.

Applicants respectfully assert that Independent Claim 42 overcomes the rejections of record for the same rationale presented previously with respect to Claim 1. For this reason, Applicants respectfully assert that Claim 42 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

#### 35 USC § 103 Rejections

Claims 3, 12, 15, 19, 24 and 33 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Spencer in view of the citation, <http://webarchive.org/web/20000609155904/http://allrecipes.com/> (“Allrecipe”). Applicant has reviewed the cited teaching and respectfully asserts that Spencer in view of Allrecipe does not render obvious embodiments of the present invention as recited in Claims 3, 12, 15, 19, 24 and 33.

Claims 3, 12, 15 and 19 depend from Independent Claim 1. Claim 24 depends from Independent Claim 21. Claim 33 depends from Independent Claim 31. Applicants respectfully assert that Claims 3, 12, 15, 19, 24 and 33 overcome



the rejections of record as these claims depend from allowable base claims, and respectfully solicit allowance of these claims.

Applicants respectfully assert that there is no suggestion in Spencer in view of Allrecipe to realize the proposed combination. Applicants respectfully assert that Spencer (a spreadsheet software aid) would not commend itself to one of ordinary skill in the art in considering the problems solved by embodiments of the present invention, and there are no suggestions in either reference to this end.

In section 9 (“response to arguments”), the rejection suggests that motivation for the proposed combination lies in the fact that both Spencer and Allrecipe “comprise windows for displaying information.” Applicants respectfully traverse. Such a motivation would provide for uncountable permutations of combinations with a plethora of widowing software, almost all of which would produce a result quite different from the proposed combination and quite different from embodiments of the present invention as recited in the instant claims. Applicants respectfully assert that such uncountable combinations based on the proposed motivation demonstrates the application of impermissible hindsight in rejecting the instant claims.

Applicants respectfully assert that the references must suggest the desirability of the proposed combination. Applicants respectfully assert that there is no suggestion within the cited art as to the desirability of the proposed combination.

Furthermore, Applicants strongly assert that one of ordinary skill in the art would not be motivated to seek out a food-oriented website (Allrecipe) to improve an electronic spreadsheet aid.

For these additional reasons, Applicants respectfully assert that Claims 3, 12, 15, 19, 24 and 33 overcome the rejections of record and respectfully solicit allowance of these claims.

Moreover, with respect to Claims 3, 24 and 33, Applicants respectfully assert that Spencer in view of Allrecipe does not teach or fairly suggest “wherein said tree structure further comprises: laboratory name; product name; and owner name” as recited by Claims 3, 24 and 33. Applicants respectfully assert that the rejection improperly equates “laboratory name” with a universal resource locator (URL) (allrecipes.com). Applicants respectfully assert that one of ordinary skill in the art would recognize that a URL is not the recited “laboratory name.”

Further, Applicants respectfully assert that the rejection improperly equates “owner name” with a person who submitted a recipe. Applicants respectfully assert that one of ordinary skill in the art would recognize that “submitting” a recipe is not equivalent to “owning” that recipe.

For example, one posting a recipe to Allrecipe.com agrees to give up most, if not all rights to the submission and has no further control over the recipe:

By submitting this recipe (a poster agrees) to the following:

You agree that Allrecipes.com may modify the recipes you are submitting by, among other things, making editorial revisions.

You agree that Allrecipes.com may use, reproduce, display, distribute and make derivative works of the recipes you are submitting royalty-free (that is, without compensation to you) for any purpose, commercial or otherwise, and in any medium (including but not limited to print, film, or electronic storage devices) and may grant the same rights to third parties.  
(<http://web.archive.org/web/20000611135212/allrecipes.com/legal.asp>)

In section 9 (“response to arguments”), the rejection argues that the taught “name of the hosting website” teaches the recited “laboratory name.” Applicants respectfully assert that one of ordinary skill in the art would understand a fundamental difference between the taught name of the hosting website and the recited “laboratory name.”

Also in section 9 (“response to arguments”), the rejection argues that the taught “name of the name of the person who submitted a recipe” teaches the recited “owner name.” The rejection further alleges the taught “name of the name of the person who submitted a recipe” teaches an “original owner.” Assuming, *arguendo*, that a submitter can be characterized as an “original owner,” Applicants respectfully note that the recited limitation is “owner name,” not “original owner name.” Applicants respectfully assert that one of ordinary skill in the art would understand a fundamental difference between the taught “name of the name of the person who submitted a recipe” and the recited “owner name.”

For these additional reasons, Applicants respectfully assert that Claims 3, 24 and 33 overcome the rejections of record and respectfully solicit allowance of these claims.

With respect to Claim 15, Applicants respectfully assert that Spencer in view of Allrecipe does not teach or fairly suggest “a recipe quantity window, wherein said recipe step quantity window is operable to edit items comprising: recipe description; recipe type; activity factor; and capacity” as recited by Claim 15. Applicants respectfully assert that the rejection improperly equates the recited “activity factor” with “preparation time and cook time and capacity.”

The term “factor” refers to a number, e.g., “one of two or more numbers having a designated product” (American Heritage Dictionary, Office Edition). “Activity factor” is defined in the present application with respect to Claim 15 as “the number of times an activity is performed.” Applicants respectfully assert that Spencer in view of Allrecipe is silent as to any application of a number to describe a number of times an activity is performed.

In section 10 (“response to arguments”), the rejection argues that a “field for users to enter the serving amount” teaches the recited “activity factor,” and further argues, “changing the serving yield changes the number of times an ingredient is repeated.” Applicants respectfully assert that the rejection improperly equates “number of ingredients” with “the number of times an activity is performed.” For example, to prepare a cake four times as large requires four times the sugar, but the sugar is only added once.

Further, Applicants respectfully assert that the rejection improperly equates “capacity” for the recited “activity factor.” Applicants respectfully assert that Claim 15 includes limitations for both “activity factor” and “capacity.” While the taught “capacity” may teach the recited “capacity,”

Applicants respectfully assert that the taught “capacity” cannot simultaneously teach or fairly suggest recited “activity factor.”

For this additional reason, Applicants respectfully assert that Claim 15 overcomes the rejections of record and respectfully solicit allowance of this claim.

Additionally, Applicants respectfully assert that the entry field of Allrecipe referenced by the rejection of Claim 15 is free-form and can accept any combination of alphanumeric character input, e.g., a poem. Consequently, this portion of Allrecipe actually teaches away from the recited “recipe quantity window... operable to edit... activity factor.”

For this yet additional reason, Applicants respectfully assert that Claim 15 overcomes the rejections of record and respectfully solicit allowance of this claim.

Claims 10, 28 and 40 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Spencer in view of Ishikawa (US 6,281,900 “Ishikawa”). Applicant has reviewed the cited reference and respectfully asserts that Spencer in view of Ishikawa does not render obvious embodiments of the present invention as recited in Claims 10, 28 and 40.

Claim 10 depends from Independent Claim 1. Claim 28 depends from Independent Claim 21. Claim 40 depends from Independent Claim 31. Applicants respectfully assert that Claims 10, 28 and 40 overcome the rejections

of record as these claims depend from allowable base claims, and respectfully solicit allowance of these claims.

Applicants respectfully assert that the combination of Spencer in view of Ishikawa is improper as the two references represent non-analogous art. Applicants respectfully assert that Spencer (a spreadsheet software aid) would not commend itself to one of ordinary skill in the art in considering the problems solved by embodiments of the present invention. For this additional reason, Applicants respectfully assert that Claims 10, 28 and 40 overcome the rejections of record, and respectfully solicit allowance of these claims.

In section 11 (“response to arguments”), the rejection cites Allrecipe, apparently in combination with Spencer in view of Ishikawa. Applicants respectfully believe this to be a typographical error, as there are no rejections based upon such a combination of Allrecipe, Spencer and Ishikawa in the “rejections” section of the Official Action. Applicants respectfully request clarification.

Also in section 11 (“response to arguments”), the rejection suggests that motivation for the proposed combination lies in the fact that both Spencer and Ishikawa “comprise windows for displaying information.” Applicants respectfully traverse. Such a motivation would provide for uncountable permutations of combinations with a plethora of windowing software, almost all of which would produce a result quite different from the proposed combination and quite different from embodiments of the present invention as recited in the instant claims. Applicants respectfully assert that such uncountable combinations based on the

proposed motivation demonstrates the application of impermissible hindsight in rejecting the instant claims.

Applicants respectfully assert that the references must suggest the desirability of the proposed combination. Applicants respectfully assert that there is no suggestion within the cited art as to the desirability of the proposed combination.

Furthermore, Applicants strongly assert that one of ordinary skill in the art would not be motivated to seek out a system for routing for transmitting an event between multi-dimensional nodes (Ishikawa) to improve an electronic spreadsheet aid.

For this further reason, Applicants respectfully assert that Claims 10, 28 and 40 overcome the rejections of record, and respectfully solicit allowance of these claims.

CONCLUSION

Claims remaining in the present patent application are Claims 1 – 42. Applicants respectfully request consideration of these claims in view of the amendments and arguments presented herein.

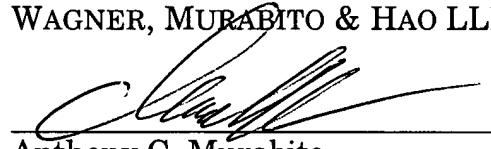
The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 10/5/2005

  
Anthony C. Murabito  
Reg. No. 35,295

Two North Market Street  
Third Floor  
San Jose, California 95113  
(408) 938-9060